ASSEMBLÉE NATIONALE
QUÉBEC

CONFLITS D'INTÉRÊTS ET ÉTHIQUE

CHEZ LES ÉLUS, 1990-1994

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AUSTRALIE, NOUVELLE-ZÉLANDE

1. ***"Codes of conduct for public officials".*** Commonwealth Law Bulletin. Vol. 19, no 2 (April 1993). P. 577-585

   "The Commission established by the Electoral and Administrative Review Act 1989-1991, provides reports to the Chairman of the Parliamentary Committee for Electoral and Administrative Review, the speaker of the Legislative Assembly and the Premier with a view to achieving and maintaining: efficiency in the operation of the Parliament, and honesty, impartiality and efficiency in elections, public administration of the State, Local Authority administration."

2. Jackson, M.W. ***"Ethics codes and ethics audits".*** Legislative studies. Vol. 7, no 2 (Autumn 1993). P. 54-58

   The thesis of this paper is that many of "the problems of management are ethical problems of honesty, integrity, and fairness. The recent recognition of the importance of ethics has stimulated the proliferation of codes of conduct. Such a code has even been recommended for parliamentarians. Survey evidence from members of the NSW legislative assembly shows what such codes may have to offer. However, much current reaction to codes of conduct in public sector organisations is cynical, seeing codes, at best, as an exercise in public relations. Many managers would deny this is an accurate perception. If so, then let us consider an ethics audit to assess the ethical character of an organisation as a code of ethics is developed. An ethics audit asks members of an organisation hard questions about honesty, integrity, and fairness which managers have to know to be effective. An ethics audit is one way to bring ethics into the mainstream of management."

3. Queensland Electoral and Administrative Review Commission. ***Report on the review of codes of conduct for public officials.*** Brisbane: The Commission, 1992. 221, [99] p.

4. Rozzoli, K.R. ***"Conflict of interests, codes of conduct and the responsibilities of Members of Parliament".*** Legislative Studies. Vol. 6, no 2 (Summer 1992). P. 8-12

   "In an Australian context community concern has arisen in the wake of Court examination of corporate failures, which has revealed the existence of fraudulent and dubious business practices. In several states Royal Commissions have uncovered conflicts of interest in the activities of senior Government officials and Members of Parliament.

In New South Wales the establisment in 1988 of the Independent Commission Against Corruption has had the effect on society as a whole. In addition to an educative function, the Commission has now held a number of inquiries into allegations of corrupt activity by public officials, including Members of Parliament. The establishment of the Commission has undoubtedly influenced a change in the cultural climate of the public sector in New South Wales as all sections of the Government and administration have been required to reflect on their current practices and the principles under which they operate."

II - CANADA

5. Bailie, W.R. ; Johnson, D. ***"Governmental ethics and ethics agencies".*** Administration publique du Canada. Vol. 34, no 1 (printemps 1991). P. 158-164

"Over the past two decades, the Canadian democracy has suffered from a malaise of public confidence in government. This paper discusses the malady, comments on its origins, outlines the major initiatives to combat it undertaken by the federal and Ontario governments, and highlights the important law enforcement and public education roles of governmental ethics agencies."

6. Balasko, R. ***Electoral, campaign finance, lobbying and ethics/conflicts of interest legislation and litigation in Canadian federal, provincial and territorial jurisdictions, 1990.*** Winnipeg: Elections Manitoba, 1990.

"Commission of Inquiry in the matter of Mr. Wilzon D. Parasiuk."

7. Boudria, Don. ***"Members' interests: new conflict of inte rest rules for Canadian parliamentarians.*** Parliamentarian. Vol. 73, no 4 (October 1992). P. 247-248

"Issues surrounding disclosure of personal interests in order to improve the appearance and reality of public probity."

8. Canada. Bureau du Sous-registraire général adjoint. ***Les conflits d'intérêts au Canada - 1992: perspectives fédérale, provinciale etterritoriale = Conflict of interest in Canada - 1992.*** [Ottawa]: Ministre des Approvisionnements et Services Canada, 1992. 41, 39 p. RG 15-7/1992

"La première édition de Conflits d'intérêts au Canada s'est avérée utile pour de nombreuses personnes travaillant dans le domaine des conflits d'intérêts ou s'y intéressant de près ou de loin. La présente mise à jour vise à faire le point sur les nombreuses initiatives entreprises au Canada au cours des deux dernières années aux niveaux fédéral, provincial et territorial. Les ajouts portent essentiellement sur les règles nouvelles ou élargies régissant les conflits d'intérêts en Nouvelle-Écosse, en Ontario, en Alberta, en Colombie-Britannique et dans les Territoires du Nord-Ouest, ainsi que sur les initiatives en cours dans le Territoire du Yukon, à Terre-Neuve et au palier fédéral. De plus, on a apporté des modifications considérables à l'annexe donnant la liste des fonctionnaires chargés de l'application des dispositions sur les conflits d'intérêts. Il convient aussi de souligner la formation, aux niveaux fédéral et provincial, d'un réseau composé des administrateurs qui oeuvrent principalement dans le domaine des conflits d'intérêts."

9. Canada. Bureau du Sous-registraire général adjoint. ***Les conflits d'intérêts: mesures d'observation et mises en garde = Conflict of interest: compliance measures and caveats.*** Ottawa: Approvisionnements et Services Canada, 1991. 25, 6 p. RG 15-8/1991

Les personnes chargées de l'application de ces règles se trouvent parfois devant des situations qui, sans nécessairement constituer un conflit d'intérêts, peuvent être perçues comme telles. C'est dans cette «zone grise», entre chien et loup, que les titulaires de charge publique ont le plus besoin de conseils judicieux pour savoir à quoi s'en tenir. Le présent opuscule traite de certaines situations qui tombent dans cette catégorie et des mesures qui ont été mises en oeuvre afin de préserver l'intérêt public (...)

Vous trouverez dans les pages qui suivent treize cas qui reviennent souvent. Chacun d'eux est divisé en trois parties: la première est un exposé du cas, la seconde, une énumération des mesures d'observation prévues dans le Code, et la troisième, une description des mises en gardes («paravents chinois» en langage plus poétique) que nous faisons aux titulaires de charge publique."

10. Canada. Parlement. Comité mixte spécial relatif au Projet de loi C-116: conflits d'intérêts. ***Procès-verbaux et témoignages du Comité.*** [Ottawa]: le Comité, 1993. 5 fascicules. YC 3-343/10- 1 à 5

"Projet de loi C-116, Loi visant à empêcher toute incompatibilité entre les intérêts privés des titulaires de charge publique et les devoirs de leur charge, constituant la Commission des conflits d'intérêts et apportant des modifications à la Loi sur le Parlement du Canada et des modifications corrélatives à certaines autres lois."

11. Canada. Parlement. Comité mixte spécial relatif aux conflits d'intérêts. ***Procès-verbaux et témoignages du Comité mixte spécial du Sénat et de la Chambre des communes relatif aux conflits d'intérêts concernant: mandat du Comité, relatif à la teneur du projet de loi C-43.*** [Ottawa]: le Comité, 1991-1992. 17 fascicules. YC 3-343/9-1 à 17

"Mandat du Comité relatif à la teneur du projet de loi C-43, Loi visant à empêcher toute incompatibilité entre les intérêts privés des parlementaires et les devoirs de leur charge, constituant la Commission des conflits d'intérêts et apportant des modifications corrélatives à certaines lois."

Le fascicule 17 correspond au Rapport du Comité mixte spécial relatif aux conflits d'intérêts: Rapport au Sénat et à la Chambre des communes: Teneur du projet de loi C-43 (conflits d'intérêts chez les parlementaires).

12. Canada. Parlement. Comité mixte spécial relatif aux conflits d'intérêts. ***Rapport au Sénat et à la Chambre des communes: Teneur du projet de loi C-43 (conflits d'intérêts chez les parlementaires).*** Ottawa: le Comité, 1992. 62 p. YC 3-343/9-17

"La question des conflits d'intérêts est l'un des aspects de la déontologie. Certains témoins que le comité a entendus ont indiqué qu'il y a, et qu'il doit y avoir, une distinction entre les normes recommandées, que l'on s'attend à voir respecter par les parlementaires, et les normes que chaque parlementaire doit obligatoirement toujours respecter, sous peine de sanctions. Les principes dont il est question ici concernent les normes recommandées ou souhaitables. Le reste du texte de loi proposé établit les normes de conduite impératives."

13. ***Canadian report 1991.*** Lexington, Kg.: Council on Governmental Ethics Law, 1991. (64) p. 347.1027 C2121

"The first section addresses campaign finance legislation and the following section addresses electoral, lobbying, and ethics/conflict of interest legislation. The next section concerns litigation and case law in regard to the following areas - electoral, campaign finance, lobbying, and ethics/conflict of interest. The final section reviews the ethics scene in Canada, new legislation and regulations, and c__es."

14. ***Canadian report 1992: campaign finance and publications.*** Lexington: Kg: Council on Governmental Ethics Laws, 1992. (37) p. 347.1027 C212c

"Based on papers presented at the 14th annual conference of the Council on Governmental Ethics Laws, which took place in Toronto, Ontario, on September 22 through 25, 1992, this publication provides summaries of activities in Canada during the past year. It is one of a series of 1992 updates published by COGEL.

Pierre-F. Côté, Chief Electoral Officer for Québec, compiled the major developments that have occurred in Canada with respect to legislation and jurisprudence relating to the financing of election campaigns and to elections, lobbying, ethics, and conflict of interest."

15. ***Canadian report 1992: ethics and freedom of information.*** Lexington, Kg: Council on Governmental Ethics Laws, 1992. (63) p. 347.1027 C2121e

"The first part of this update, compiled by the Honorable Gregory T. Evans, Q.C., member of the Commission on Conflict of Interest, provides a review of new legislation and regulations at both federal and provincial levels. It also presents actual cases at both levels, as well as the international level."

16. Colombie-Britannique. Legislative Assembly. Select Standing Committee on Parliamentary Reform, Ethical conduct, Standing Orders and Private Bills. ***Report on recall and initiative.*** Victoria: Legislative Assembly of British Columbia, 1993. 50 p. 328.71101 C718 P252

17. Comité externe d'examen de la Gendarmerie royale du Canada. ***Les conflits d'intérêts.*** Ottawa; le Comité [1992?]. 107 p. JS 74-3/1-10

Les parties suivantes: Pourquoi des règlements sur les conflits d'intérêts?; La norme d'éthique dans le secteur public; La conception de codes d'éthique traitant des conflits d'intérêts dans le secteur public.

18. Conflict of Interest Review Panel (Alberta). ***Report on conflicts of interests rules for cabinet ministers, members of the Legislative Assembly and senior public servants.*** Edmonton: the Panel, 1990. 254 p. 354.7123 00995 C748

"In this report, the Conflict of Interest Review Panel concludes that ministers and MLAs take a responsible and ethical approach to the exercise of their powers, but that the present system of dealing with the possible conflicts of interest should be extended because of the increasing complexity of public affairs, the increasing need to maintain public confidence in the integrity of the institutions of government."

19. Conflict of Interest Review Panel (Alberta). ***Report on conflicts of interests rules for cabinet ministers, members of the legislative assembly and senior public servants: summaries.*** Edmonton: the Panel, 1990. 28 p. 354.7123 00995 C748 1990 Summ.

20. ***"Do unto others: ethics in government and business".*** Administration publique du Canada. Vol. 34, no 1 (printemps 1991). P. 1-203

"Dans ces articles, nombreux sont les passages qui évoquent les concepts suivants: «souci de l'intérêt public», «service au public», «sens d'une gouvernance démocratique». Ces expressions reviennent sans cesse, comme le fantôme de Banquo, avec une puissance obsédante, rappeler certains points de départ fondamentaux à nos réflexions sur un pluralisme éthique: à savoir que l'administration met en jeu des éléments humains, qu'un service au public de qualité doit en tout temps être empreint d'un sens de l'humanisme, et qu'une procédure administrative équitable constitue l'un des moyens pratiques les plus importants pour assurer le respect des libertés démocratiques."

21. Garant, Patrice. ***"Conflits d'intérêts: adopter une loi de toute urgence".*** Maîtres. Vol. 25 (1990). P. 31-35

"Le projet de loi C-46 «sur les conflits d'intérêts» chez les parlementaires fédéraux constitue un événement important dans l'évolution de notre droit public. Il complète l'un des trois volets des normes d'éthique applicables aux détenteurs de charge politique au niveau fédéral. Trois provinces canadiennes se sont dotées jusqu'ici d'une telle loi sur les conflits d'intérêts. Mais le projet que déposait M. Mulroney le 9 novembre 1989 constitue un pas assez remarquable dans la voie d'une clarification des exigences que l'État entend imposer à ses élus. Au même moment d'ailleurs, à Washington, le Congrès se penche sur un projet de loi analogue mais moins exigeant."

22. Greene, Ian. ***"Conflict of interest and the Canadian constitution: an analysis of conflict of interest rules for Canadian cabinet ministers".*** Revue canadienne de science politique. Vol. 23, no 2 (juin 1990). P. 233-256

"L'auteur soutient que le grand nombre de cas de conflit d'intérêts impliquant des ministres au Canada au cours des années 1986, 1987 et 1988 peut en partie être expliqué par le fait qu'il n'y a pas à l'intérieur de la plupart

des règlements sur les conflits d'intérêts un lien évident entre le fond de ces règlements et certains principes constitutionnels fondamentaux. Si les ministres ne comprennent pas les motifs donnant naissance à de tels règlements, on ne peut s'attendre à ce qu'ils s'y conforment de façon stricte. L'auteur examine les rapports entre la règle de droit, l'équité sociale, le principe de l'impartialité ministérielle, et la législation et la réglementation ayant trait aux conflits d'intérêts. Les règlements sur les conflits d'intérêts sont habituellement élaborés en toute hâte â la suite d'un scandale, sans que l'on s'arrête à leur fondement constitutionnel. Trente-cinq cas récents de conflit d'intérêts sont classifiés et analysés. Plusieurs d'entre-eux auraient pu être évités si les motifs constitutionnels des règlements avaient été mieux compris. Toutefois, en ce qui concerne les recoupements entre conflit d'intérêt et patronage politique, notre système politique n'a pas établi de paramètres précis pouvant guider la conduite ministérielle."

23. Greene, Ian. ***"Government ethics commissioners: the way of the future?"*** Administration publique du Canada. Vol. 34, no 1 (printemps 1991). P. 165-170

"The first independent government ethics commission to appear in any Canadian jurisdiction was established by the Ontario legislature in 1988. Legislators in other Canadian jurisdictions are considering adopting this innovation. For example, early in 1988 conflict of interest legislation was introduced into the federal Parliament which would have established an independent ethics tribunal. The legislation died on the order paper, but was reintroduced in November 1989. Several provincial governments are considering the creation of ethics commissioners offices to supplement their conflict of interest legislation. British Columbia established a conflict of interest commissioner in December 1990.

I will argue that ethics commissioners constitute a useful support to conflict of interest legislation, and that their arrival should be welcomed. An independent ethics commission is a more sensible mechanism for promoting compliance with conflict of interest legislation than such mechanisms as advice from line civil servants, or enforcement by judges or an auditor general. (It should be noted that this paper focuses on ethics commissioners only in relation to conflict of interest rules for members of legislatures)."

24. Grondin, Normand. ***"Les multiples visages du conflit d'intérêt".*** Justice. (Septembre 1992). P. 16-19

"En 1964, le Premier ministre du Canada, Lester B. Pearson, sous forme d'une simple lettre remise à chacun de ses ministres, énonçait les toutes premières directives en matière de conflits d'intérêts aux parlementaires

canadiens. Après lui, les gouvernements Trudeau et Clark resserraient la vis en étoffant toujours plus ces lignes directrices aux élus, les étendant même aux membres de leur famille. Puis, en 1988, deux ans après l'affaire Sinclair Stevens, Brian Mulroney annonçait ses couleurs avec le projet de loi C-114, la première véritable ébauche de législation fédérale sur les conflits d'intérêts.

Quatre ans plus tard, le projet C-114, puis sa version revue et corrigée, le C-46, sont morts au feuilleton. Reste le petit dernier, le projet de loi C-43, presque identique au précédent, actuellement à l'étude et dont on ne peut dire avec certitude s'il survivra ou ira rejoindre ses prédécesseurs au rayon des bonnes intentions politiques."

25. Hébert, Gilles. ***"Les conflits d'intérêts".*** Urba. Vol. 14, no 6 (septembre 1993). P. 19

"Les règles régissant les conflits d'intérêts des membres du conseil municipal se retrouvent à la Loi sur les élections et les référendums dans les municipalités sanctionnée en 1987."

26. Hughes, E.N. ***Report of the Honourable E.N. Hughes, Q.C. on the sale of Fantasy Garden World Inc.*** Victoria, B.C.: Queen's Printer for British Columbia, 1991. 64, [62] p. 354.711 00995 H893

"As majority shareholder in Fantasy Garden World Inc., Mr. Vander Zalm, as soon as he became Premier of this province, had a potential conflict of interest. It is clear that in disposing of Fantasy Gardens, the Premier did not take the necessary precautions to avoid placing himself in a situation of actual or apparent conflict. From the very beginning of the negotiations through to the date of closing, the Premier mixed his public role as chief citizen of this province entrusted with the leadership of the Government of British Columbia with his private business interest."

27. Johnson, Pierre-Marc. ***"Éthique et pouvoir".*** L'éthique. Montréal: Québec Amérique, 1990. P. 138-161. 170.2 E84

"Mais au-delà des enjeux dont l'éthique est spécifique, le processus politique lui-même a des exigences éthiques. Notre systhème, parce qu'il est basé sur la confiance et qu'il amène des personnes à exercer le pouvoir pour d'autres et avec d'autres, exige à la fois des règles auxquelles tous sont soumis et une éthique de comportement."

28. Kagedan, Barbara Laine. ***"L'évolution de la législation sur les conflits d'intérêts".*** Revue parlementaire canadienne. Vol. 15, no 4 (hiver 1992/1993). P. 17-27

"Concilier les responsabilités publiques et les intérêts privés des parlementaires fédéraux s'est avéré être, par le passé, une tâche aussi difficile qu'importante. Un comité mixte spécial du Sénat et de la Chambre des communes a récemment étudié la question et recommandé l'instauration d'un système entièrement nouveau relativement aux conflits d'intérêts. Le présent article porte sur les recommandations du Comité."

29. Lemieux, Vincent. ***"Les nouvelles forme. du patronage".*** La juste démocratie. Ottawa: Carleton University Press, 1992. P. 208-218. 320.971 D383 1990

"Enfin, le patronage ne comporte pas toujours un conflit d'intérêts, si l'on entend par là une situation où un acteur public se sert de son poste pour promouvoir ses intérêts privés. Les accusations portées depuis 1984 contre des membres du Parti conservateur, au Québec, ont souvent été de cet ordre, comme nous le verrons plus loin. Cela peut se faire à l'intérieur d'une opération de patronage, mais il n'est pas nécessaire qu'il en soit ainsi. De même, il y a des conflits d'intérêts qui comportent de la corruption et d'autres qui n'en comportent pas."

30. Leslie, Graham. ***Breach of promise: socred ethics under Vander Zalm.*** Madeira Park, B.C.: Harbour Publishing, 1991. 334 p.

"The British Columbia Social Credit Government embarked on its October 1986 election campaign by pledging itself to principles of co-operation, consultation, openness and the highest ethical standards. To set «the highest standard for the community at large», said Premier Bill Vander Zalm, «we will lead by example».

Graham Leslie, a regular Social Credit voter and deputy minister of labour in two Socred governments, knew within days of the election victory that the Vander Zalm government was reneging on those lofty promises. Conflicts of interest and other ethical lapses started early, and followed one upon the other in numbing succession.

Leslie resigned in 1987, and since then he has watched closely as scandal after scandal has rocked the government benches. The result is an unflinching look at the Vander Zalm Socreds' disgraceful record, including the Bill Reid-Bud Smith affair, the David Poole severance package, the privatization and decentralization programs and the Budget Stabilization Fund."

31. L'Heureux, Jacques. ***"Les conflits d'intérêts des membres d'un conseil municipal: développements jurisprudentiels dans la dernière décennie".*** Récents développements en droit municipal. Cowansville: Y. Blais, 1993. P. 105-124. 347.14 029 C714

"Jusqu'en 1987, les règles relatives aux conflits d'intérêts des membres des conseils municipaux étaient données dans quatre lois différentes, le Code municipal, la Loi sur les cités et villes, la Loi sur la fraude et la corruption dans les affaires municipales et la Loi sur les élections dans certaines municipalités. En 1987, l'Assemblée nationale adopta la Loi sur les élections et les référendums dans les municipalités qui regroupe désormais toutes les dispositions relatives à ce sujet. Cette loi, dont la plus grande partie entra en vigueur le 1er janvier 1988, abroge la Loi sur la fraude et la corruption dans les affaires municipales et la Loi sur les élections dans certaines municipalités, de même que les dispositions du Code municipal et de la Loi sur les cités et villes sur le sujet."

32. Nouvelle-Écosse. ***Members and Public Employees Disclosure Act: Disclosure guideliness for members of the House of Assembly, members of the Executive Council and leaders of political parties.*** Halifax, N.S.: House of Assembly, Speaker's Office, 1991. [45] p. 347.16 0255 02632 N934

"The attention of members of the House of Assembly is drawn to certain provisions of the House of Assembly Act. Section 27 of that Act sets forth certain matters that will result in a person not being eligible for election to the House of Assembly. Section 28 of that Act defines a conflict of interest that, by its very nature, results in a member ceasing to be eligible to be a member of the House of Assembly. Section 29 of that Act sets forth certain matters that will result in the disqualification of a member as a member of the House of Assembly. Section 30 of that Act sets forth other matters that do not disqualify a person from being a member of the House of Assembly. Section 35 of that Act provides a monetary penalty for receiving a fee for promoting a Bill."

33. ***"Un numéro spécial sur l'éthique et le secteur public".*** Optimum. Vol. 22, no 1 (1991). P. 4-62

"L'éthique et le secteur public. Le mieux est l'ennemi du bien. Les codes de déontologie du secteur public: point de vue du secteur privé. Le conflit d'intérêts: c'est quoi au juste? La pratique de dénonciation au sein des services gouvernementaux canadiens: considérations sur le plan éthique, politique et sur celui de la gestion. L'éthique dans les gouvernements

locaux: point de vue des administrateurs municipaux. L'éthique dans la fonction publique et les machinations au bureau."

34. Ontario. Assemblée législative. Comité permanent de l'ad ministration de la justice. ***Rapport sur les lignes directrices sur les conflits d'intérêts = Report on conflict of interest guidelines.*** Toronto: le Comité, 1991. Pag. multiple. O A11 X10 A29 J88co

"Après avoir examiné la totalité de la preuve, le Comité est d'avis que l'érosion de la confiance du public dans les représentants élus et le gouvernement est une question de la plus haute importance qui doit préoccuper tous les membres de l'Assemblée. La restauration de cette confiance du public est un objectif qu'il faut poursuivre au moyen de mesures qui assurent la population que les intérêts personnels d'un représentant élu sont nettement séparés de ses fonctions publiques. Étant donné que la loi actuelle et ses règlements conçus pour éliminer les conflits d'intérêts réels se sont avérés insuffisants à cet égard, il faut aussi s'attaquer à l'apparence de conflit d'intérêts."

35. Ontario. Commission sur les conflits d'intérêts. ***Rapport annuel, 1989-1990-*** . Toronto: la Commission. O A11 P74 A28 C65 A10

"La loi en vigueur en Ontario en matière de conflits d'intérêts ne s'applique qu'aux membres de l'Assemblée législative, et il ne semble pas y avoir de texte de loi comparable régissant la conduite du personnel qui entoure les ministres, et qui pourrait bien avoir une plus grande influence sur les décisions gouvernementales que les députés qui ne font pas partie du Cabinet. La même chose vaut à mon avis pour les sous-ministres. Compte tenu de l'influence qu'elles semblent exercer, il serait peut être approprié que ces personnes non élues soient soumises aux mêmes règles de divulgation et de conduite que les membres de l'Assemblée législative."

36. Ontario. Ministry of Municipal Affairs. ***Open local goverment.*** [Toronto]: Queen's Printer for Ontario, 1992. 37 p. O M80op

"The Municipal Conflict of Interest Act provides that members of municipal councils and local boards must declare a conflict of interest where they could benefit financially in debate or in voting at a council or board meeting, and are prohibited from participating in the decision-making. It is the responsibility of the elector to bring an alleged contravention of the Act before the judiciary.

There are a number of implementation initiatives to be undertaken by the Ministry of Municipal Affairs and the Ministry of Education in cooperation with the local government sector are: The development of a model code of conduct for municipal and board employees, and A review of restrictions imposed on local government employees wishing to run for elected local government office."

37. Ontario. Municipal Conflict of Interest. Consultation Committee. ***Municipal conflict of interest review: report of the Municipal Conflict of Interest Consulta-tion Committee to the Minister of Municipal Affairs.*** [Toronto]: Queen's Printer, 1991. 105 p. O M80 A29 C65

"The overriding purpose of the Municipal Conflict of Interest Act is to protect the interest of the public by preventing local government members from benefitting personally from their position in public office. The legislation attempts to strike a balance between the public interest and the rights of members to participate fully in the decision-making process and thereby effectively carry out their public responsibilities. It is important to recognize that in achieving this, the legislation must not unnecessarily fetter the actions of members by imposing requirements that are onerous or burdensome. (...)

The Act restricts members from participating in decisions on matters in which they have a pecuniary interest. The Act achieves this through the principles of disclosure and abstention. A member is required to disclose her or his pecuniary interest in a matter under consideration and to withdraw completely from decision-making on that matter. Members are free to deal with all other matters. The Act also recognizes those situations where a member's pecuniary interest will not compromise the decision-making process and, accordingly, contains a number of exemptions to the requirements."

38. Polsinelli, Claudio. ***"Conflict and the Commissioner: the Ontario solution to conflict of interest".*** The Parliamentarian. Vol. 71, no 4 (October 1990). P. 240-242

"Members need to know what their obligations are, that the steps they have taken will fulfil those obligations and that there will be consistency in the advice given to other Members. Therefore, under the legislation, all Members are subject to rules designed to prevent the improper use of office, although there are certain stricter rules provided for ministers. Accordingly, the Commissioner has both an advisory function and a responsibility to conduct investigations into alleged contraventions of the Act."

39. ***"Rapports législatifs: Territoires du Nord-Ouest".*** Revue parlementaire canadienne. (Hiver 1991/1992). P. 31-32

"Lors de la huitième session de la onzième législature, l'Assemblée législative a modifié la ***Legislative Assembly and Executive Council Act*** en vue d'y intégrer des lignes directrices concernant les ***conflits d'intérêts*** que peuvent avoir les membres de l'Assemblée. (...) Les nouvelles lignes directrices renferment un mécanisme de divulgation de renseignements financiers suivant lequel les membres sont tenus de déclarer annuellement leurs actifs et leurs passifs ainsi que leurs intérêts financiers auprès du greffier de l'Assemblée législative. Ce dernier rédige alors un document d'information qui contient tous ces renseignements et qui est ensuite rendu public."

40. Read, Duncan. ***"Municipal conflict of interest: proposed changes need fine tuning".*** [Ontario]: Education Today. (March/April 1992). P. 22-24

"The proposed changes to the Municipal Conflict of Interest Act will not meet the provincial government's stated objective of making the law «more just for the elected and the electorate». Changes will, however, benefit both trustees and the electors.

Four changes will make life more difficult for school trustees and other local government officials. For the purposes of this article, reference is only made to trustees, but the Acts covers all politicians elected in municipal elections, as well as some other officials."

41. Shugarman, David P. ***"Ethics and politics: the use and abuse of politics".*** Moral expertise: studies in practical and professional ethics. London: Routledge, 1990. P. 198-231

"Legislation is also important for another reason: a large number of public officials are lawyers and many lawyers appear to act on the principle that «if it's not illegal it's not forbidden». What should be required of every elected office-holder and a great many appointed officials is accountability and full disclosure of material holdings, including (to recognize the arm's-length principle of material interest) the holdings of spouses and immediate family members. Holdings must be placed in trusts which are administered at arm's length by a professional agency with whom the official would be expected to have no future public concern. This could result in wealthy businessmen and aspiring entrepreneurs deciding to forgo political careers. It is

sometimes editorialized that this would be a great loss to the political process. On my reading, it would be a substantial gain. The aim should be to have the interest of an office-holder coincide with the duties of his office, not with his investment opportunities."

42. Stark, Andrew. ***"Public sector conflict of interest at the federal level in Canada and the U.S.: differences in understanding and approach".*** Public Administration Review. Vol. 52, no 5 (October 1992). P. 427-437

"What are the differences between the Canadian and American approaches to conflict-of-interest laws? Andrew Stark follows Rohr's example in the study of comparative ethics by focusing on three issues: each country's use of statutory and non-statutory means for dealing with conflict-of-interest problems; differences regarding questions of postemployment rules; and the general attitude of each nation toward the influence of private interest in the judgements of public servants. Stark finds many of these differences are attribuable to the structural distinction between a U.S. system based on the separation of powers and the British-type system found in Canada."

43. Young, Margaret ; Robertson, James R. ***Les conflits d'in térêts: règles applicables aux législateurs fédéraux.*** Ottawa: Bibliothèque du Parlement, Service de recherche, 1993. 22 p. YM 32-1/79-3-1993-03F

"Au cours des 20 dernières années, les gouvernements et les assemblées législatives du Canada ont élaboré des lois et des codes de conduite qui prévoient toute une gamme de mesures visant à ce que les conflits d'intérêts ne se produisent et à les résoudre lorsqu'ils se présentent. De plus, étant donné que les conflits d'intérêts constituent une question très vaste, nous ne pouvons que souligner quelques-unes des questions et préoccupations qu'ils soulèvent. (...)

Le présent document porte principalement sur les législateurs fédéraux. Il faut toutefois souligner que l'administration fédérale compte de nombreux autres titulaires de charges publiques: fonctionnaires, juges, membres d'organismes administratifs, de tribunaux et de sociétés d'État, etc. Selon la nature du poste, les responsabilités du titulaire et d'autres facteurs, diverses règles sur les conflits d'intérêts ont été appliquées aux titulaires de ces postes."

III - ÉTATS-UNIS

44. Anechiarico, Frank ; Jacobs, James B. ***"The continuing saga of municipal reform: New York City and the politics of ethics law".*** Urban Affairs Quarterly. Vol. 27, no 4 (June 1992). P. 580-603

"New York City's response to the corruption in government scandals of the late 1980s."

45. Bowman, James S. ***Ethics in government: a national survey of public administrators".*** Public Administration Review. Vol. 50, no 3 (May 1990). P. 345-366

"This study presents the results of a national survey of practicing public managers regarding ethical problems in government. The author analyzes three topic areas: ethics in society and government, integrity in public agencies, and moral standards in organizational conduct."

46. Cody, W.J. Michael ; Lynn, Richardson, R. ***Honest government: an ethics guide for public service.*** Westport, CT: Praeger Publishers, 1992. 167 p. I72 C671

"Presents a comprehensive statement of ethical behavior for officials and employees at every level of government; US. Topics include campaign finance, elected and appointed officials, lobbyists, wages and salaries, the «revolving door», lawyers in public life, privacy, and enforcing ethics."

47. ***Cogel Blue Book: campaign finance, ethics, lobby law and judicial conduct.*** 9th ed. Lexington, Kentucky: The Council of State Governments; Council on Governmental Ethics Law, 1993. 243 p. 347.3027 02638 C186

"Experts from state and federal governmental ethics agencies throughout the United States and Canada have contributed to this publication. This latest volume contains twelve new tables, including a section listing actual campaign contributions and expenditures in elections for governors, lieutenant governors, secretaries of state, attorney generals and state treasurers. We trust the COGEL Blue Book will provide valuable information on government ethics institutions and innovations at the federal, state and provincial levels."

48. ***"Congressional Ethics".*** Current American Government: Spring 1992 Guide. Washington, D.C.: Congressional Quarterly, 1992. P. 31-32. 973.92005 C882 1992 Spring

"The Constitution empowers each member of Congress to seat, unseat and punish its own members. The House and Senate have the power to determine whether a member fulfills the constitutional requirements for service, to settle contested elections and to censure members for misconduct. Some of these powers come into conflict with the right of voters to decide who will represent them. As a result Congress has been cautious in using its authority. While it has acted often to determine the winner in contested elections, it has rejected the clear choice of the voters, for lack of the requisite qualification, in fewer than 20 cases since 1789."

49. Cooper, Terry L. ***The responsible administrator: an ap proach to ethics for the administrative role.*** 3rd ed. San Francisco: Jossey-Boss Publishers, 1990. 252 p. 172.1 C778

"Another way we experience conflicts in responsibility involves situations where our own personal interests are at odds with our obligations as a public official. They may involve combinations of conflicting roles and tensions between sources of authority, but more typically these occasions simply present us with an opportunity to use our public office for the sake of private gain. They represent conflicts between the public role and self-interests, between objective responsibility and the possibility of personal gain or advantage. (...) The ethical problem presented by these conflicts is that our fiduciary relationship as trustees of the public interest may be jeopardized by a loss of trust in our professional judgment. If some private personal interest is able to influence our reason and conduct, we may serve it rather than the interests of the citizenry, or at least we may be perceived as doing so. Our judgment may be impaired in this way, or may appear to be, and either will call into question our trustworthiness as representatives of the public interest."

50. Couch, J. ; Atkinson, K. ; Shughart II, W. ***"Ethics laws and outside earnings of politicians: the case of Alabama's legislator-educators".*** Public Choice. Vol. 73, no 2 (March 1992). P. 135-146

"This paper is about the price of pork. In particular, it examines the distributional impact of a provision of Alabama's code of ethics which allows sitting state legislators to be on the payroll of public institutions of higher education. The paper finds that the 15 junior and senior colleges in Alabama that pay educational salaries to legislators receive nearly $19 in

extra public funding annually for every $1 paid to a state senator or representative. This paper discusses the relationship between legislative pay and the outside earnings of politicians. It presents the data and empirical results."

51. Council on Governmental Ethics Laws. ***Ethics and lobbying...: legislation and litigation.*** Lexington, Ky: Council of State governments, 1990- . 174.30973 E84 1990/1992

"This publication provides summaries of legislation and litigation across the United States in the areas of ethics, lobbying and freedom of information."

52. Crawford, John R. ***"Keating hearings take Senate into thick of S & L swamp: publicity will affect senators' futures and raise issues of constituent service and campain finance."*** Congressional Quarterly Weekly Report. Vol. 48 (November 10, 1990). P. 3787-3790

"The questions that will be raised are fundamental: When is it proper for a member to intervene in the lawful operations of a government regulatory agency? And at what point does such intervention cross the line into undue influence? Can it be shown that the actions of all five senators - or any of them - resulted not out of a genuine concern for a constituent but rather because of the money Keating funneled to them?

Senate conflict-of-interest rules bar a member from accepting compensation that accrues «to his beneficial interest» in exchange for «influence improperly exerted from his position»."

53. Dumbrell, John. ***"Corruption and ethics codes in Congress: ethics issues in the U.S. Congress".*** Corruption and reform. Vol. 6, no 2 (1991). P. 147-170

"This article treats, and places into historical context, recent ethics scandals in the U.S. Congress. Congressional concern with ethics tends to take the form of cycles of panic and relaxation. The two most recent panic attacks (1976-77 and 1989-90) both produced new ethics codes. The formulation and operation of the codes are critically assessed in the article, and related to the currently low public reputation of the American Congress."

54. Dyke, Don. ***Ethics code requirements.*** Wisconsin: Wisconsin Legislative Council Staff, [1993?]. 13 p. B 1993 134

"Wisconsin Legislators are subject to the ethics code. The code contains disclosure requirements, standards of conduct, enforcement procedures and

penalties for its violation. The standards of conduct under the ethics code are, for the most part, stated in the form of general principles, rather than in the form of specific, detailed regulations. Consequently, to predict the possible application of the ethics code in a specific situation requires consideration of all the relevant facts of that situation."

55. ***Essentials of government ethics.*** New York: Meridian, 1992. 468 p. 172 E78

"The scope of government ethics. Scandal and corruption in government. The ethics of political campaigning. Lying and the «dirty hands» dilemma in government. Ethics hard choices and public policy. Ethics in state and local government. The problems of institutionalizing ethics in government."

56. États-Unis. Congress. House. Committee on Standards of Official Conduct. ***Ethics manual for members, officers, and employees of the U.S. House of Representatives.*** Washington, D.C.: U.S. G.P.O., 1992. 493 p. 172.0973 E83

"Rules, regulations, and statutes relating to standards of conduct. Covers such areas as gifts and travel, outside employment and income, financial disclosure, official allowances and franking, and campaign funds."

57. États-Unis. Congress. Senate. Committee on Governmental Affairs. ***S.885: to modify congressional restrictions on gifts.*** Washington, D.C.: G.P.O., 1993. 128 p. Y4 G74/9: S.HRG. 103-195. Microfiches

"To limit the acceptance of gifts meals, and travel by members of Congress and congressional staff, and for other purposes."

58. États-Unis. Congress. Senate. Committee on Governmental Affairs. Subcommittee on oversight of Government management. ***Compilation of federal ethics laws.*** Washington, D.C.: U.S. G.P.O., 1993. 107 p. (Committee print) (S. print 103-25)

59. États-Unis. Congress. Senate. Committee on Governmental Affairs.Subcommittee on oversight of Government management. ***S.420, the Ethics in Government Reform Act of 1993, and S.79, the Responsible Government Act of 1993: hearing before the Subcommittee on oversight Government management of the Committee on Governmental Affairs, United States Senate, one Hundred Third Congress, first session, on S.420... and S.79... March 5, 1993.*** Washington, D.C.: U.S. G.P.O. 209 p. Y4 G74/9: S. HRG. 103-63

"The purpose of post-employment lobbying laws is to restrict the lobbying and employment activities of former Federal employees and Members of Congress... The overrall goal is to have the highest ethical standards for Federal employees without curtailing an individual's constitutional right of free association and speech as well as the taxpayer's interest in obtaining the best and brightest Federal servants."

60. États-Unis. Congress. Senate. Joint Committee on the Organization of Congress. ***Ethics process: testimony of former senator Abraham A. Ribicoff and a panel of academic experts: hearing before the Joint Committee on the Organization of Congress.*** Washington, D.C.: U.S. G.P.O., 1993. 172 p. Y4.3: S.HRG 103-13. Microfiches

"To large numbers of Americans, congressional ethics is an oxymoron. The focus on ethical violations, by individuals and institution-wide, including a series of highly publicized, often televised, hearings and investigations in both House and Senate, have created that unfortunate and inaccurate public judgment. But accurate or not, the public view is important, and it clearly is influenced by the way in which Congress fulfills its Constitutional mandate to judge its own members and employees."

61. États-Unis. Congress. Senate. Joint Committee on the Organization of Congress. ***Ethics process: testimony of Hon. Howell Heflin; Hon. Trent Lott; Hon. Henry J. Hyde; Hon. Curt Weldon; and Hon. Robert E. Andrews: hearing before the Joint Committee on the Organization of Congress.*** Washington, D.C.: U.S. G.P.O., 1993. Y4.3: S.HRG. 103-37. 65 p. Microfiche

"Ethics and internal enforcement procedures within the Congress have received much attention over the last several years by members of the public, the media, and Members. The House of Representatives went through extensive hearings and changes in 1989 to its ethics procedures. The Senate and the Senate Ethics Committee have both spent a great deal of time on numerous cases over the last several years as well.

The reason this committee is holding hearings on ethics procedures is straightforward. The current process places severe time constraints on Members and puts them in the position of rendering judgment on colleagues with whom they must work every day. More importantly, there is no other issue important to the public in terms of putting faith in this institution that puts us to the test more than this self-policing by Members of their fellow Senators and Congressman. So this is an important issue in terms of the maintenance of public trust in this institution."

62. États-Unis. Congress. Senate. Joint Committee on the Organization of Congress. ***Ethics process: testimony of Hon. Louis Stokes; Hon. James Hansen; and a panel of academic experts: hearing before the Joint Committee on the Organization of Congress.*** Washington, D.C.: U.S. G.P.O., 1993. Pag. multiple. Y4.3: S.HRG. 103-14

"All of us want to try to help improve the public confidence in the Congress by streamlining our procedures and rationalizing our processes and taking many other steps.

But not other part of our agenda is more crucial to public confidence in the Congress than the way in which the House and the Senate consider cases of alleged misconduct by sitting members. Most of us believe that the vast majority of members of the Congress are honest and hard working persons, yet the misconduct of some can discredit the institution as a whole and reduce its ability to function.

Today we have two distinguished panels of witnesses about how the process by which the House of Senate handle ethics cases might be improved. The first panel includes two former leaders of the House Ethics Committee, Congressman Louis Stokes, and James Hansen."

63. États-Unis. Congress. Senate. Select Committee on Ethics. ***Interpretative rulings of the Select Committee on Ethics.*** Washington, D.C.: U.S. G.P.O., 1993. (Committee Print; S. Prt. 103-21)

"These Interpretative rulings answer questions of a general interest which have been raised by Members, officers and employees of the Senate with respect to the application of the Code of Official Conduct (Rules 34 through 43 of the Standing Rules of the Senate). The Interpretative rulings are presented chronologically by rule number and appear with clear references as to the particular rule or statute being addressed."

64. ***"Ethics: Committee singles out Cranston for strongest criticism".*** Congressional Quarterly Weekly Report. Vol. 49, no 9 (March 2, 1991). P. 563-566

"The Committee urges the leadership and members of both the Senate and the House to work together in a bipartisan manner to address the urgent need for comprehensive campaign finance reform. The reputation and honor of our institutions demand it."

65. ***"Ethics: Senate's investigations rest with contrasting leaders: Former judge Heflin favors a deliberative pace, but hard-charging Rudman has a lot of say".*** Current American Government: Fall 1990 Guide. Washington, D.C.: Congressional Quarterly, 1990. P. 37-41

"As chairman and vice chairman, respectively, of the Senate Ethics Committee, the cautious Alabama Democrat and the brash New Hampshire Republican will be the central figures in a drama that could have a lasting effect on the political fate of their colleagues, the future ethics standards of the institution and public confidence in Congress."

66. Hook, Janet. ***"The year of living carefully: '89 scandals color reports (financial disclosure): ethics concern led many to reject honoraria, but for others, it was business as usual".*** Congressional Quarterly. Vol. 48, no 22 (June 2, 1990). P. 1713-1716

"Congress' financial disclosure reports for 1989 have provided the first detailed look at how, if at all, lawmakers adjusted their finances and conduct during a year that was densely packed with milestones of political scandal.

Taken together, the reports depict Congress as an institution in transition, where ethical standards are changing but old ways of doing business persist.

More members than ever are refusing to accept speaking fees from lobbying groups, and many were unusually fastidious in filling out their forms this year.

But these reports, which are required annually of all members of Congress and were released to the public the week of May 28, also show lawmakers still accepting gifts, junkets and other fringe benefits of political power."

67. Josephson, Michael. ***"The best of times, the worst of times".*** Spectrum. Vol. 65, no 4 (Fall 1992). P. 34-41

"A great deal of attention is focused on the moral well-being of our political system. In this article, authored by a leading observer of ethics development accross the country, the status of political integrity is assessed. While great strides have been in elimination outright graft and corruption, our public officials continue to grapple with a new set of ethics issues that have grown out of changing relationships among interest groups, the media, politicians and the public."

68. ***"Judge OKc Justice suit for ethics violation: leaders argued that ethics reprimand shielded Rose from prosecution".*** Current American Government: Fall 1992 Guide. Washington, D.C.: Congressional Quarterly, 1992. P. 52 973.92005 C882 1992 Fall

"Rose's problems began with a complaint filed with the Committee on Standards of Official Conduct in 1986. Two years later, the ethics panel reproved Rose for repeatedly breaking House rules by borrowing tens of thousands of dollars from his re-election campaign for personal use, failing to disclose those and other loans (from banks) on financial statements, and using campaign funds as collateral on a personal loan."

69. ***"Keeping faits: government ethics and government ethics regulation".*** Administrative Law Review. Vol. 45 (Summer 1993). P. 287-341

"In this Report, the term «government employee» is used in its broadest sense to refer to everyone who is on the federal payroll, whether by appointment or by election. Hence, unless a particular passage specifics otherwise, all discussions of «employees» are intended to include the President and Vice-President, Members of Congress, and the Judiciary. (...)

In Part I, we discuss a concept, or model, of public service from which we can derive some important starting points for this undertaking. These starting points consist of, first, the fundamental ethical obligations of one who enters government service; and, second, the essential characteristics of effective ethics regulation. In Part II, we proceed from these starting points to examine five substantive areas of ethics law: Financial conflicts of Interest, Financial Disclosure, Outside Activities, Post-Employment Activities, and the Work Environment. We suggest particular principles and objectives that should guide ethics regulation in each of these areas, and identify aspects of current law that should be reformed."

70. Kuntz, Phil. ***"Full disclosure, spin control await beleagued house: embarassed House members bow to public's call for names of those who wrote bad checks".*** Congressional Quarterly Weekly Report. Vol. 50, no 11 (March 14, 1992). P. 599-605

"Assesses impact of the US House check-bouncing scandal on national politics and re-election campaigns of congressional incumbents."

71. Kuntz, Phil. ***"House leaders move to defuse check-floating scandal".*** Congressional Quarterly Weekly Report. Vol. 49, no 39 (September 28, 1991). P. 2769

"Practice of writing bad checks on a bank in which only Congressmen can have accounts; U.S.

Bank run by House Sergeant-at-Arms Jack Russ."

72. Kuntz, Phil. ***"Stokes' history on ethics cases".*** Congres sional Quarterly Weekly Report. Vol. 49, no 6 (February 9, 1991). P. 331
"Since coming to office in 1969, Ohio Democrat Louis Stokes, the new chairman of the House ethics committee, frequently has opted for leniency in disputed ethics cases. Here is a rundown of his record."

73. Kuntz, Phil ; Hook, Janet. ***"Ethics: even without new guidelines, senators tiptoe to safe side".*** Congressional Quarterly Weekly Report. Vol. 49, no 9 (March 2, 1991). P. 524-527

"The most fundamental question confronting the Senate Ethics Committee in the Keating Five case remains largely unanswered. The panel was unable to say with specificity how for members may go in intervening with federal agencies for campaign contributors while soliciting and accepting their donations. Committee members barely managed to decide which of the Keating Five went too far in privately pressuring federal regulators as the behest of a big-money fund-raiser."

74. Loughran, J. ***"Freddy St-Germain's long ride".*** American Spectator. Vol. 24, no 6 (June 1991). P. 17-21
"While the savings and loan crisis and the charges of scandal in Congress have made headlines only recently with the «Keating Five» hearings, congress and S & L scandals have a long history, going back at least to the reign of former democratic representative Fernand St-Germain. This article examines the exploits of St-Germain, who, while overseeing the deregulation of the nation's savings and loans, become a multimillionaire. It also examines how St-Germain escaped the censure of the House Ethics Committee."

75. ***A model law for campaign finance, ethics, and lobbying regulation.*** Lexington, Ky: Council of Governmental Ethics Laws, 1990. 89 p. 347.30278 F297

"This model is intended to be a guide for jurisdictions seeking to change

their system of regulating governmental ethics and elections. We do not suggest that a jurisdiction adopt the model blindly, without consideration for how adoption would impact upon a myriad of other laws in the jurisdiction, but rather that a unit of government look to this model for advice as to how to navigate the often murky waters of reform."

76. Morgan, Peter W. ***"The Appearance of propriety: ethics reform and the Blifil paradoxes".*** Stanford Law Review. Vol. 44 (1992). P. 593-621

"The purpose of this essay is to consider a few of these paradoxes: those flowing from the notion that we should encourage public officials and professionals to create and maintain the appearance that their activities are proper.

The discussion is in two parts. Part I briefly traces the history of «appearance of impropriety» as a codified standard in the United States, from its emergence as a consequence of the Black Sox scandal, through its rebirth in the aftermath of Watergate, and into the present. The history of this standard suggests that the driving force behind the periodic surges of interest in appearance ethics has been the desire to restore a shaken public confidence - shaken, ironically, by the exposure of real corruption, previously covered by an appearance of propriety. Part II reviews the Keating Five case and other «appearance» controversies to consider some of the incongruities in our current appearance ethics."

77. ***"Names & numbers; disclosure of number overdraft totals sends bank case to jury: the voters".*** Congressional Quarterly Weekly. Vol. 50, no 6 (April 18, 1992). P. 991-1012

"Political impact of the check-kiting scandal on individual legislators, the House, and its Democratic leadership; 3 articles.

Includes list of 303 current and former members who bounced checks, and a state-by-state assessment of incumbents' political future."

78. New Jersey. Legislature. ***"Legislative Code of Ethics".*** Manual of the Legislature of New Jersey. Trenton, N.J.: State Legislature, 1993. P. 389-405. 328.74905 N532 Réf.

"Legislation to expand the Conflict of Interest Law was approved in January 1988."

79. Nolan, Beth. ***"Public interest, private income: conflicts and control limits on the outside income of government officials".*** Northwestern University Law Review. Vol. 87 (Fall 1992). P. 57-147
"Proposal that limitations be placed only on outside income related to government position, rather than on all outside income."

80 Paddock, Richard C. ***"California's tough new ethics law".*** State Legislatures. (August 1990). P. 9

"The new code of conduct for legislators is a wide-ranging law designed to limit the influence of groups that have a stake in legislative actions. Specifically, the law bans all honoraria and limits gifts to no more than $250 annually per donor. Free trips to foreign countries are prohibited unless they are paid for by a government agency or a non-profit group. Furthermore, legislators who vote on matters affecting their own financial interest will be subject to a fine of up to $2,000. Legislators who leave office will be banned from lobbying their former colleagues for 12 months. All legislators, staff members and lobbyists will be required to attend courses on ethical conduct at least once every two years. In addition, the ballot measure wrote into the state constitution the requirement that the Legislature hold most of its meetings in public."

81. ***"The Politics of ethics".*** Spectrum. Vol. 66, no 1 (Winter 1993). P. 4-35

"While the federal investigations have cleaned out a host of bad legislative apples and helped usher in tougher ethics laws, they also have raised serious questions regarding the right of the feds to tell states how to run their governments. Two articles in this issue of Spectrum examine the federal role from opposing perspectives.
Harvard Professor Arthur Maass argues that it is not the federal government's place to police the ethics of state and local officials. Maass contends that federal intrusion into state political problems is unauthorized by the Constitution. In addition, the laws prosecutors rely on to justify their action, such as mail fraud and RICO, don't necessarily apply to state and local corruption.

States' rights, he says, are being eaten away with each federal investigation. The better answer is to let democracy take over and allow the voters of those states and cities to take care of unsavory politicians at the polls. (...)

However you view them, federal investigations have made ethics reform a priority."

82. ***Renewing Congress: a second Report of the Renewing Congress Project.*** Washington, D.C.: American Enterprise Institute; the Brookings Institution, 1993. 86 p.

"Sections of this report discuss ethics (proposing ad hoc panels of former members and other appropriate persons to judge ethics issues), a new Office of Congressional Compliance to police fair employment practices, campaign finance, limiting committee assignments, simplifying the budget process (a two-year cycle is proposed), floor deliberation and scheduling (Oxford Union-style debates are suggested to force members to engage the ideas of the other party), bicameral relations, relations between the parties, a modest reduction in staff, and innovative dialogue between the branches of government."

83. Roberts, R.N. ; Doss, M.T. Jr. ***"Public service and private hospitality: a case study in federal conflict-of-interest reform".*** Public Administration Review. Vol. 52, no 3 (May 1992). P. 260-270

"The emphasis on external restraints in government ethics has not been effective in promoting public trust of government. The case of federal gift acceptance and related regulations is an excellent example. Reflecting the increasing reliance on external controls, gift-acceptance regulation has become tighter and more elaborate over the years. The result has been an over-concern with legalistic rules and regulations without any substantial gain in public trust or confidence. Modern conflict of interest regulations deal more with organizational credibility that with personal integrity, and greater effort is devoted to maintaining the political symbolism of these regulations than to rebuilding public trust."

84. Simmons, Charlene Wear. ***"Thoughts on legislative ethics reform and representation".*** PS: Political Science and Politics. Vol. 24, no 2 (June 1991). P. 193-200

"The author explores the complex and contradictory nature of representative government and its impact on elected officials seeking to balance the public interest with their own private concerns. Ethics-in-government contoversies occupy a gray area of public-private overlap that is particularly uncertain today as the press and the public's expectations of acceptable official behavior appear to be changing. The uncertainty lies in the inadequate understanding of the nature of representation, that complex interaction between governmental institutions and individual behavior."

85. Steinberg, Sheldon S. ; Austern, David T. ***Government ethics, and managers: a guide to solving ethical dilemmas in the public sector.*** New York: Quorum Books, 1990. 171 p. 172 S819

"Government, ethics, and managers: a guide to solving ethical dilemmas in the public sector, deals with dilemmas faced by public officials and explores the reasons for their unethical behavior. It looks at the costs of unethical practices and profiles three kinds of government practitioners - the Corrupter, the Functionary, and the Ethicist. These sections are aimed at setting the stage for reader introspection and the ethical climate of the reader's community. In the last two chapters we look at and detail the management of the ethical practice of government through training, investigation, and management control."

86. Thompson, Dennis F. ***"Mediated corruption: the case of the Keating five".*** American Political Science Review. Vol. 87, no 2 (June 1993). P. 369-381

"The case of the «Keating Five» - featuring five prominent U.S. Senators and Charles Keating, Jr., a savings-and-loan financier who contributed to their campaigns - has «come to symbolize public distrust of elected officials» and has reinforced the widespread view that many members of Congress and the institution itself are corrupt. The nine months of investigation and seven weeks of hearings conducted by the Senate Ethics Committee that concluded in January 1992 revealed an underside of our system of representation to a depth and in a detail rarely seen before. (...)

This form of corruption involves the use of public office for private purposes in a manner that subverts the democratic process. It may be called mediated corruption because the corrupt acts are mediated by the political process. The public official's contribution to the corruption is filtered through various practices that are otherwise legitimate and may even be duties of office. As a result, both the official and citizens are less likely to recognize that the official has done anything wrong or that any serious harm has been done."

87. Schwarz, Christopher. ***"Ethics: passing judgment or passing the buck?"*** State Government News. Vol. 37, no 2 (February 1994). P. 11-13
"It's hard to sanction a fellow legislator's ethics."

88. Stoker, L. ***"Interests and ethics in politics".*** American Political Science Review. Vol. 86, no 2 (June 1992). P. 369-380

"The author examines the place of self-interest in political life as given by a conception of politics that invokes ethics."

89. Thompson, D.F. ***"Paradoxes of government ethics".*** Public Administration Review. Vol. 52, no 3 (May 1992). P. 254-259

"The author discusses the responsibilities of government ethics officials. He argues that such officials need to do more than oversee the paperwork associated with ethics legislation and the enforcement of specific standards and rules. Ethics officials also have an educational responsibility to remind other public servants of their function in American democracy. Carrying out this education-in-democracy is difficult due to three paradoxes or misconceptions that impede the work of ethics officials: misconceptions about the importance of ethical issues, the conflict between public and private ethical behavior, and the importance of appearances."

IV - FRANCE

90. ***"Attention corruption".*** Projet. No 232 (hiver 1992/1993). P. 4-105

Principalement les textes suivants: La corruption dans les travaux publics; L'imparfait démocratique; La Commission de prévention de la corruption.

91. Birnbaum, Pierre ; Bazin, François. ***"Ces Français intouchables: nos élites sont-elles les plus protégées du monde?"*** Le Nouvel Observateur. No 1463 (19 novembre 1992). P. 4-9

"Dossier: l'impunité dont bénéficient les hommes politiques, les hauts fonctionnaires et les grands patrons en France; quelques exemples."

92. De Brie, Christian. ***"Tant de complicités dans le financement des partis".*** Le Monde diplomatique. No 447 (juin 1991). P. 16-17

"Le scandale du financement frauduleux des partis politiques et des campagnes électorales en France."

93. Dolez, Bernard. ***"La loi «anti-corruption» du 29 janvier 1993".*** Regards sur l'Actualité. No 192 (juin 1993). P. 33-43

"La Loi relative à la prévention de la corruption et à la transparence de la vie économique et des procédures publiques maintient la possibilité d'un financement privé de la vie politique, même si elle réglemente plus sévèrement les dons des entreprises aux partis et à leurs candidats. En

compensation, les parlementaires ont décidé d'abaisser le plafond des dépenses électorales."

94. Gaetner, Gilles ; Pierre-Brossolette, Sylvie ; Casanova, Jean-Claude. ***"Corruption: le plan Bérégovoy".*** L'Express. No 2143 (7 août 1992). P. 6-9

"Dossier: entrevue avec le premier ministre Pierre Bérégovoy au sujet de la lutte contre la corruption politique en France; analyse de la situation et des moyens d'y remédier."

95. ***"La loi du 29 janvier 1993 relative à la prévention de la corruption et à la transparence de la vie économique et des procédures publiques".*** Revue française de droit administratif. Vol. 5 (septembre/octobre 1993). P. 902-961

Quatre articles: Concurrence, transparence et libre administration; La réforme de l'urbanisme commercial; Les contrats de délégation de service public; L'apport au droit des marchés publics de la loi anti-corruption.

96. ***"La loi du 29 janvier 1993 relative à la prévention de la corruption et à la transparence de la vie économique et des procédures publiques".*** Revue française de droit administratif. Vol. 9, no 6 (novembre/décembre 1993). P. 1069-1114

Trois articles composent ce dossier: Financement des campagnes électorales et des partis politiques; Indépendance et transparence des prestations de publicité; Gestion locale, exécutifs locaux, juridictions financières dans la Loi du 29 janvier 1993: les contrôles financiers entre prévention et répression.

97. Masclet, Jean-Claude. ***"Les règles du financement de la vie politique".*** Problèmes politiques et sociaux. Nos 667/668 (15/29 novembre 1991). P. 2-106

"Bien qu'elle ne concerne pas de manière directe le financement de la vie politique, la fortune des candidats et celle des élus doit lui être rattachée. En effet, les dispositions adoptées relèvent du même souci de transparence et de moralisation et soumettent les intéressés à des obligations connexes et complémentaires sur le terrain des contrôles et des sanctions."

La dernière partie du dossier est consacrée aux législations étrangères: Royaume-Uni, États-Unis, République fédérale d'Allemagne, Italie et quelques autres pays.

98. Mény, Yves. ***La corruption de la République.*** Paris: Fayard, 1992. 349 p. 172.2 0944 M549

"La corruption, en France, opère dans un climat qui lui est fortement favorable. Dans un univers de règles générales et impersonnelles, une grande partie des énergies des citoyens et des médiateurs que sont les élus politiques est consacrée à obtenir de l'Administration des exceptions, des arrangements. Pour éviter que la machine bureaucratique ne se bloque, il faut multiplier dérogations et exceptions. Le pantouflage de hauts fonctionnaires - qui n'est pas d'hier mais prend de nos jours une ampleur inquiétante - et le cumul des mandats - une pratique systématique devenue une «seconde nature» - n'ouvrent pas seulement la porte aux abus, mais encore constituent une tentation structurelle permanente. Sans que ces habitudes constituent généralement des «affaires» où les individus seraient moralement coupables, elles créent en tout cas la conviction que toute règle est négociable et traduisent l'ignorance du conflit d'intérêt."

99. Mény, Yves. ***"L'imparfait démocratique".*** Projet. No 232 (hiver 1992/1993). P. 48-55

"Dans ce climat, pourquoi un homme politique ou un fonctionnaire sont-ils enclins à céder à la corruption ou au contraire à y résister? A. Pizzorno propose d'interpréter ces variations en fonction de la reconnaissance morale dont bénéficie l'individu confronté à la corruption. Par exemple, là où existe un fort «esprit de corps - caractérisé par la défense de valeurs comme l'intérêt général ou le service public, bien intériorisées par les acteurs - le coût de la corruption sera élevé. Tant de son propre point de vue que du point de vue de ses pairs, l'acteur a beaucoup à perdre dans l'acte de corruption: les gains matériels éventuels ne compensent pas la perte morale résultant de la violation des normes du groupe."

100. Rohr, John A. ***"Ethical issues in French public administration: a comparative study".*** Public Administration Review. Vol. 51, no 4 (July/August 1991). P. 283-297

"How do the French approach ethical issues in public administration? John A. Rohr provides a comparative perspective on public administration ethics by focusing on how the French deal with three issues that attract considerable debate in the United States: conflict of interest, the political activities of civil servants, and the requirement of an oath of office. His critical analysis shows some major differences in how each country handles these issues. There are sharp differences reflected in financial disclosure requirements, and American public administrators face stricter enforcement of postemployment regulations. While allowing their civil servants to

partake in a more active political life than do their U.S. counterparts, the French impose a «complicated and somewhat amorphous standard» of political neutrality that Rohr questions on several grounds. Rohr finds differences regarding oath requirements that are rooted in the historical experiences of each society. Finally, Rohr contends that while it would be unwise for Americans simply to imitate French standards and practices, we can deepen our understanding of our own standards and practices by examining those of other countries like France."

101. Suleiman, E.N. ***"The politics of corruption and the corruption of politics".*** French Politics and Society. Vol. 9, no 1 (Winter 1991). P. 57-68

"Disgust with politics is not new in France and other democratic societies. But recent books expose French political practices that are blatantly questionable, that may undermine the democratic ethic. The clearest manifestations of this disquieting tendancy are the decline of a public ethic the blurring of the distinction between public and private interests, and generalized corrupt political practices in France."

102. ***"La transparence de la vie économique et financière".*** Les Notes bleues. No 613 (5 au 11 octobre 1992). 12 p.

"Le Premier ministre a présenté au Conseil des ministres du 9 septembre 1992 un projet de loi relatif à la prévention de la corruption et à la transparence de la vie économique et des procédures publiques, qui fait suite à la communication qu'il avait présentée à l'occasion du Conseil des ministres du 29 juillet.

Le projet de loi complète et amplifie l'action de moralisation de la vie politique, économique et financière engagée depuis plusieurs années: conditions de financement des partis et des campagnes électorales, fonctionnement des marchés financiers et pouvoirs de la Commission des opérations de bourse, contrôle des marchés publics.

L'objectif est d'introduire plus de transparence dans la vie publique et économique pour empêcher la corruption de la société par l'argent au moyen d'ententes occultes."

V - GRANDE-BRETAGNE

103. Atkinson, Michael M. ; Mancuso, Maureen. ***"Conflict of interest in Britain and the United States: an institutional arguments".*** Legislative Studies Quarterly. Vol. 16, no 4 (November 1991). P. 471-493

"Although conflict of interest is a problem endemic to representative institutions, it manifests itself in different ways from one system to the next. This paper examines how conflict of interest has been interpreted and managed in the United States congress and in the British House of commons. Differences in the regulatory systems are described, and the argument is made that the crucial distinction is the greater autonomy members of Parliament have in interpreting and resolving conflicts of interest. This autonomy (or the lack of it) arises, we suggest, out of fundamental institutional arrangements, specifically the theory of representation employed in each system and the degree of institutional autonomy enjoyed by each legislative body."

104. Chapman, Richard A. ***"Reasons of state and the public interest: a British variation of the problem of dirty hands".*** Ethics in public service. Ottawa: Carleton University Press, 1993. P. 93-110. 172.1 E841 1990

"At the end of the day, in the British context, the question of dirty hands may amount to a re-examination of one of the traditional safeguards: the trust and integrity of public servants (both politicians and officials). If such integrity is no longer evident, or where evident if it is no longer highly regarded, or if new approaches are adopted in public service management which undermine the traditional administrative culture, then new procedures, new rules, new relationships between ministers and their officials, may have to be introduced. It is in this context that recent experience of changing standards and demands must be fully understood. It is only after the best possible understanding of past experience and present pressures that new approaches can be considered to enable individuals to develop frameworks to resolve moral dilemmas in official work."

105. Grande-Bretagne. Parliament. House of Commons. Select Committee on Members' Interests. ***First report.*** London: HMSO, 1990. 150 p. 328.4105 G751 M533 1989/90

"Report together with the proceedings of the Committee, the minutes of evidence and appendices."

106. Grande-Bretagne. Parliament. House of Commons. Select Committee on Members' Interests. ***Minutes of proceedings: [Tuesday 1 December 1992/Tuesday 20 July 1993].*** London: HMSO, [1993]

107. Grande-Bretagne. Parliament. House of Commons. Select Committee on Members' Interests. ***Registration and declaration of interests: minutes of evidence: [Tuesday 7 May 1991].*** 328.4105 G751 M533 1990/91 2

"The relationship between the private interests of an MP and his or her responsibilities as a public representative, are of the greatest importance if the democratic process is to be effective and trusted. Nothing could be more destructive of democratic politics or of public confidence in Parliament, than the idea that MPs might be motivated by the desire to enrich themselves through their membership of the House of Commons. There may be a suspicion, in the minds of some people, that with the rapid growth of lobbying and public relations, Parliament and Whitehall could be becoming something of a market place for favours of one kind and another."

108. Lee, J.M. ***"Westminster and professional lobbying".*** Legislative Studies. Vol. 5, no 2 (Summer 1991). P. 11-14

"The British House of Commons is beginning to come to terms with the increased professionalism of recruiting MPs in support of private firms, outside causes and foreign interests. The Select Committee on Members' Interests has acknowledged the existence of firms of political consultants which advertise their ability to improve the access of private companies to the «corridors of power». The Select Committee on Procedure is considering how the tabling of parliamentary questions placed on behalf of private firms might be regulated. The Speaker himself has drawn attention to the pressures placed upon the Staff of the House of Commons by the requests of MPs who have gathered large numbers of consultancies and who wish to secure information on behalf of their clients."

109. O'Toole, B. ***"T.H. Green and the ethics of senior officials in British central government".*** Public Administration. Vol. 68, no 3 (Fall 1990). P. 337-352

"The intention of the article is to examine how political theory can be used to help illustrate the dilemmas of public servants working in a climate which is distinctly hostile to disinterested ideals. The ideas of T.H. Green, the English idealist philosopher who contributed so much to our understanding of public service, form the basis of the theoretical discussion, and the work of senior officials in whitehall is the material used for illustrative purposes. Where do the loyalties of civil servants lie? What are their duties and responsibilities to ministers? To whom, for what, and how are civil servants accountable?"

110. Shaw, Malcolm. ***"Members of Parliament".*** Parliament and pressure politics. Oxford: Clarendon Press, 1990. P. 85-116

"When one looks at Parliament and pressure politics from a range of specialized vantage-points, there is a danger of overlooking the central perspective of the individual Member. In this chapter the Member's outlook will be emphasized. Inevitably, the resulting analysis will cut across aspects of the terrain covered in other chapters, but that should have the effect of deepening insights rather than merely repeating them."